

## UNITED STATES DISTRICT COURT

JAN 05 2017

for the

District of New Mexico

United States of America

v.

Valerie Lynn Cayatineto  
YOB: 1977MATTHEW J. DYKMAN  
CLERK

Case No. 17mj 32

Defendant(s)

*Amended*  
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 09, 2016 in the county of McKinley in the  
State and District of New Mexico, the defendant(s) violated:

## Code Section

Title 18 U.S.C. § 1153; 1152 (a)  
N.M. Stat. Ann § 30-8-102 (1978)  
N.M. Stat. Ann § 30-8-113 (1978)*66-8-102*  
*66-8-113*  
*KBM*

## Offense Description

Crimes on Indian Reservation; Involuntary Manslaughter, killing of a human  
being without malice.

by operating a motor vehicle and as the result of drinking liquor.

by operating a motor vehicle without due caution and circumstance and with a  
wanton and reckless disregard for human life went he knew should have known  
that her conduct imperiled lives of other.

Approved by: SAUSA Kyle Nayback

This criminal complaint is based on these facts:

See the attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Larry Etsitty, Sr., Senior Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date: January 5, 2017City and state: Albuquerque, New Mexico

Judge's signature

US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA )  
 )  
VS )  
 )  
Valerie Lynn Cayatineto., )  
 )  
YOB: 1977 )

AFFIDAVIT

I am, LARRY ETSITTY, SR., I am a Criminal Investigator (CI), and I have been so employed for Thirty-four (34) years. I am currently assigned to the Navajo Department of Criminal Investigations, Crownpoint Police District, Crownpoint, New Mexico. As the result of my personal participation in this investigation and through information submitted to me by persons named hereafter, I allege the facts in the following paragraphs to show that:

1) On Friday, December 09, 2016, at approximately 11:00 A.M., the Navajo Nation "Crownpoint Dispatch Center" Navajo Nation Police Department (NNPD) Crownpoint Police District Crownpoint, New Mexico, received information from a female caller, later identified as MARTHA MORGAN, the mother of the CAYATINETO, who reported that her daughter is intoxicated and contemplating suicide. Shortly thereafter, the dispatcher received another call from ROSA ROSALE (ROSALE), who advised that she came upon a head-on collision involving two vehicles

and who reported she was unsure if there was anyone who suffered injury.

2) Officer MICHAEL HALE (HALE) was dispatched to the location Littlewater, New Mexico. This location is approximately 7 miles mile east of Crownpoint, New Mexico; this location is within the exterior boundaries of the Navajo Nation. The individuals involved were identified as VALERIE LYNN CAYATINETO (CAYATINETO), 39 year-old, and R.Y. (JOHN DOE), a 48 year-old male. Both parties involved are enrolled members of the Navajo Nation.

3) According to Officer HALE, Crownpoint Police District, Crownpoint, New Mexico he was informed by Officer KANAS ANTONE (ANTONE) a female individual had informed her the she saw the SUV parked down the road prior to the collision.

4) Through the investigation, the driver of vehicle 1, a blue SUV, was identified as CAYATINETO, who is the sole occupant of her vehicle, which is a 2015 Chevy, Equinox, with the New Mexico plate NTM-043 she was taken from the scene to Crownpoint Indian Care Facility (CICF), Crownpoint, New Mexico. The driver of vehicle 2, the White Ford pickup truck was identified by a co-worker, EVERELY VANDEVER (VANDEVER) that JOHN DOE who was in 2006 Ford pickup truck, bearing New Mexico license plate 2328 RT, which is registrated to CHRISTINE CLIFFORD (CLIFFORD) or MACKIENZIE YAZZIE (YAZZIE), Churchrock, New Mexico. CAYATINETO appeared to have driven left of center

lane when she came in contact of the ford pick up truck on the right shoulder on the truck's lane. There is no indication of the Cayatineto took any evasive actions on her part, it did appeared that JOHN DOE, attempted to avoid the collision by driving to his right side of his lane.

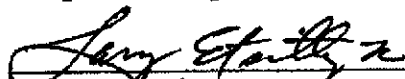
6) An Ambulance from the Navajo Nation Emergency Management Services (NNEMS) Crownpoint Indian Health Facility (CIHF) Crownpoint, New Mexico, was summoned to the scene and took both CAYATINETO and JOHN DOE to CIHF, Crownpoint, New Mexico. JOHN DOE was declared dead by the attending physician, RAN KOZIKOWSKI (KOZIKOWSKI), MD, CIHF, Crownpoint, New Mexico at 11:50 A.M. JOHN DOE had laceration on his head and the attending physician suspected that he had massive internal injures to his chest, the JOHN DOE's body was sent for a complete autopsy to Office of Medical Investigation (OMI), Albuquerque, New Mexico.

7) On Friday December 9, 2016, Monday 2:22 P.M., the emergence room staff indicated that it appeared as CAYATINETO had been drinking prior to the head on collision, and records indicates by her Blood Alcohol Content (BAC) was at provided your affiant with .21% B.A.C. An attempt to interview CAYATINETO was unsuccessful to due her invoked her constitutional right. On the same day CAYATINETO was flown out to New Mexico University Hospital, for her treatment.

8) Based on the aforementioned facts, your affiant

respectfully submits that probable cause exists to charge Valeria<sup>sz</sup> Lynn Cayatineto, who is an enrolled member of the Navajo Nation, with a violation of 18 USC 1153, Crimes on Indian Country, 18 U.S.C. §, 1112 Involuntary Manslaughter for unlawfully killing John Doe, while in the commission of an unlawful act not amounting to a felony, that is, while: (1) violating New Mexico's statute prohibiting driving under the influence of intoxicating liquor, N.M. Stat. Ann. § 66-8-102 (1978), by operating a motor vehicle and as the result of drinking liquor, being less able to the slightest degree, either mentally or physically, or both, to exercise the clear judgment and steady hand necessary to handle a vehicle with safety to the person and the public; and (2) violating New Mexico's Statute prohibiting reckless driving, N.M. Stat. Ann. § 66-8-113(1978), by operating a motor vehicle without due caution and circumspection and with a wanton and reckless disregard for human life when she knew should have known that her conduct imperiled lives of others.

Respectfully submitted,



Larry Bisitty, Sr.,  
Senior Criminal Investigator  
Navajo Department of Criminal Investigations  
Crownpoint, New Mexico

Subscribed and sworn  
to before me this 5<sup>th</sup> day  
of January, 2017.



UNITED STATES MAGISTRATE JUDGE,